

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2114
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2013 - 587*

12 **MARY EVELYN WINTER**
13 **3650 4th Avenue, Apt. 8**
14 **San Diego, CA 92103**

A C C U S A T I O N

15 **3712 Pinoak Road**
Richmond, VA 23223

16 **Registered Nurse License No. 355544**

17 Respondent.
18

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about February 28, 1983, the Board of Registered Nursing issued Registered
25 Nurse License Number 355544 to Mary Evelyn Winter ("Respondent"). The Registered Nurse
26 License expired on February 28, 2003, and has not been renewed.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

$$\begin{matrix} 2 \\ 3 \end{matrix}$$

5
6
7

8
9

10

11
12
13
14
15
16

17
18
19

20

21

22

23

24

25
26
27
28

1 8. Section 2811, subdivision (b) of the Code provides:

2 "Each such license not renewed in accordance with this section
3 shall expire but may within a period of eight years thereafter be
4 reinstated upon payment of the biennial renewal fee and penalty fee
5 required by this chapter and upon submission of such proof of the
6 applicant's qualifications as may be required by the board, except
7 that during such eight-year period no examination shall be required
8 as a condition for the reinstatement of any such expired license
9 which has lapsed solely by reason of nonpayment of the renewal
10 fee. After the expiration of such eight-year period the board may
11 require as a condition of reinstatement that the applicant pass such
12 examination as it deems necessary to determine his present fitness
13 to resume the practice of professional nursing."

14 **REGULATORY PROVISIONS**

15 9. California Code of Regulations, title 16, section, 1419.3 provides:

16 "In the event a licensee does not renew his/her license as provided
17 in Section 2811 of the code, the license expires. A licensee
18 renewing pursuant to this section shall furnish a full set of
19 fingerprints as required by and set out in section 1419(b) as a
20 condition of renewal.

21 (a) A licensee may renew a license that has not been expired for
22 more than eight years by paying the renewal and penalty fees as
23 specified in Section 1417 and providing evidence of 30 hours of
24 continuing education taken within the prior two-year period.

25 (b) A licensee may renew a license that has been expired for more
26 than eight years by paying the renewal and penalty fees specified in
27 Section 1417 and providing evidence that he or she holds a current
28 valid active and clear registered nurse license in another state, a
United States territory, or Canada, or by passing the Board's current
examination for licensure."

29 **COST RECOVERY**

30 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licensee found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case. Nothing in this section shall preclude a board from including the
34 recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Virginia Board of Nursing)**

3 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was
5 disciplined by the Virginia Board of Nursing.

6 12. On or about July 18, 2006, pursuant to the Consent Order issued by the Virginia
7 Board of Nursing in the disciplinary action entitled, *In Re: Mary Winter, R.N.*, the Virginia Board
8 of Nursing indefinitely suspended Respondent's registered nurse license. The basis for the
9 discipline is that, pursuant to the July 18, 2006, Consent Order, Respondent admitted to having
10 abused alcohol to an extent that rendered her unsafe to practice. Specifically, Respondent
11 admitted to the Virginia Board of Nursing that between November 2004 and September 2005, she
12 had been treated at a local emergency room for alcohol abuse twelve (12) times and had also been
13 admitted for inpatient treatment for alcohol overdose and withdrawal a total of four (4) times
14 during this same time period. Respondent further admitted that she was addicted to alcohol and
15 that she had signed a participation contract with the State of Virginia's Health Practitioners'
16 Intervention Program. Respondent was deemed non-compliant with that program.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 13. Respondent is subject to disciplinary action under Code section 2761, subdivision
20 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
21 particularly described in paragraphs 12, inclusive, above, and herein incorporated by reference.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 355544, issued to Mary
26 Evelyn Winter;

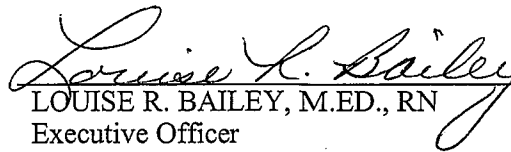
27 ///

28 ///

1 2. Ordering Mary Evelyn Winter to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
5
6

7
8 DATED: JANUARY 25, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

9
10
11
12 LA2012507811
13 51177166.doc
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28